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Hiroki Fukuda

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EXAMINER

WILLS, LAWRENCE E

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/699,923 | FUKUDA, HIROKI | |
| | Examiner | Art Unit | |
| | LAWRENCE E. WILLS | 2625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,12,21,25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,12,21,25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 4, 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 21, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 12 and 28, states "wherein in the recording/accumulation step". The recording/accumulation step was changed in the independent claims to

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read "accumulation step". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 12, 21, 25, and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (US Patent No. 6,864,992) in view of Minari (US Patent No. 6,809,831).

Regarding claims 1, 21, and 25, Okada'992 teaches an information processing server (supervisor PC 5 or server PC 3 or printer server 6 Fig. 1) which records or accumulates job log information (store log data as seen in Fig. 1) on a job issued to an image forming apparatus (7 Fig. 1) from client computer (client PC 4 sending log data to server PC as seen in Fig. 1) connected to a network (2 Fig. 1), comprising: an acquisition unit (spooler, Fig. 6) configured to acquire the job log information from the client computer or the image forming apparatus (notice the log data being sent from the client to the server PC, Fig. 1); wherein

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the job log information (log data, Fig. 1) includes driver information identifying a driver program which is performed in the client computer and generates the issued job (print driver name column 4, line 31) and the port information identifying a port managed as an output destination of the issues job by the client computer (output destination port name, column 4, line 32) registration unit (print log-supervising tool, column 3, lines 35-45) configured to register (registering into print log area S4, Fig. 3, and used further in Fig. 5 S16, to check if set contents are correct), in a non-recording target database (the set contents stored in a prescribed area of a hard disk, col 4, lines 13-14), driver information (print driver name column 4, line 31) and port information (output destination port name, column 4, line 32) ; a driver information acquisition unit (server PC, Fig. 1) for acquiring the driver information (print log collected with driver information, column 4, lines 50-55) from job log information from the job log information acquired from the acquisition unit (notice that the job log information including driver information is sent from the client to the server in the form of a final log, Fig 8, and column 5, lines 1-15); a port information acquisition unit (server PC, Fig. 1) of acquiring the port information from the job log information (print log collected with port information, column 4, lines 50-55) acquired by the acquisition unit (notice that the job log information including driver information is sent from the client to the server in the form of a final log, Fig 8, and column 5, lines 1-15) but fails to teach specifying job log information related to an issued job which is not accompanied by a printout as

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a condition to identify job log information not to be accumulated, a determination unit configured to determine whether or not to accumulate by using the job log information acquired by said acquisition unit, in accordance with a determination as to whether or not at least one of the driver which generates data of the issued job and the port information acquired in the port information acquisition unit is registered in the non-recording target database, an accumulation unit configured to record or accumulate by using the job log information determined by said determination unit to be recorded or accumulated, wherein in the registration unit the driver information related to a driver used for outputting a PDF file to the client computer or an external device is registered in the non-recording target database; wherein in the registration unit the port information indicating that a job is output to a device which does not have a printing function is registered in the non-recording target database.

Minari'831 teaches teach specifying job log information related to an issued job which is not accompanied by a printout as a condition to identify job log information not to be accumulated (notice S902 of Fig. 9, if the print object in not for printer then the print job object is sent to another device) a determination unit (406 controller Fig. 4) configured to determine whether or not to accumulate (S1002, yes accumulate, no transfer Fig. 10) by using the job log information acquired by said acquisition unit (attribute data as job log information read in S1001 Fig. 10), an accumulation unit (print job

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accumulator, 407 Fig. 4) configured to record or accumulate by using the job log information determined by said determination unit to be recorded or accumulated (notice Fig. 9, based on the output destination, the print job is stored in the print job accumulator, Fig. 9, S902-S903), wherein in the registration unit the port information (attribute data, Fig. 11 S1001, S1002) indicating that a job is output to a device which does not have a printing function (attribute of printer, column 4, lines 45-50) is registered in the non-recording target database (print job attribute program 601, Fig. 6).

Having a printing system of Okada'992 reference and then given the well-established accumulation based on attribute and output destination teaching of Minari'831 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print system of Okada'992 reference to include print job accumulation based on the output destination and attributes of print data as taught by Minari'831 reference since the result of the combination would have been predictable and would decrease the error rate of a print system.

Both Okada'992 and Minari'831 fails to teach wherein in the registration unit the driver information related to a driver used for outputting a PDF file to the client computer or an external device is registered in the non-recording target database.

Ferlitsch'179 teaches registration unit (print processor) the driver information related to a driver used for outputting a PDF file (printer ready

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data as in PDF, paragraph 0063) to the client computer or an external device (printer) is registered in the non-recording target database (a print processor reading a spool file and determining if its content is preprocessed printer ready data or journaled in paragraph 0069. based on this determination a decision is made on where to send data).

Having a printing system of Okada'992 in combination with Minari'831 reference and then given the well-established teaching of processing print data based on the driver by Ferlitsch'179 reference, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the print job accumulation system of Okada'992 and Minari'831 reference to include driver specific processing as taught by Ferlitsch'179 reference to accumulate by using the job log information acquired by said acquisition unit, in accordance with a determination as to whether or not at least one of the driver which generates data of the issued job and the port information acquired in the port information acquisition unit is registered in the non-recording target database since the result of the combination would have been predictable and would decrease the error rate of a print system.

Regarding claim 4, Okada'992 teaches wherein the image forming apparatus to which the job log information has been issued is specified in accordance with the port information contained in the job log information

acquired by the port information acquisition step (print log collected with port information, column 4, lines 50-55).

Regarding claims 12, Okada'992 teaches wherein in the recording/accumulation step, the job log information determined in the determination step to be recorded is recorded in a database in a searchable format (query, Fig. 8).

Regarding claims 28, Okada'992 teaches wherein, in the recording/accumulation step, job log information determined in the determination step to be accumulated is extracted and accumulated from pieces of acquired job log information and grasp of the number of output pages or charging of an output job is performed (Fig. 14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

LEW
January 14, 2010